

附表 10

[第 42 及 45 條]

由審裁處聆訊及裁決的指明法律程序

1. 與本條例條文的釋義及執行有關的法律程序。
2. 與公契條款及條文(包括根據第 VIA 部應含地納入公契的條款或條文)的釋義及執行有關的法律程序。
3. 與建築物的公用部分或業主有共同權益的其他部分的使用、佔用、享用、管有或擁有權有關的法律程序。
4. 與下述各項的計算或分攤有關的法律程序——
 - (a) 根據公契(如有的話)應付或看來應付的任何款項;
 - (b) 第 20 及 21 條所提述的基金及繳款;
 - (c) 管理開支或收費(不論其名稱為何);
 - (d) 根據本條例或按照於土地註冊處註冊的文書包括公契(如有的話)的條款及條文而欠付或負有法律責任的任何其他支出、付款、債項或債務。
5. 與涉及——
 - (a) 法團;
 - (b) 管理委員會及其主席、秘書及司庫;
 - (c) 第 34D(1) 條所指的經理人;
 - (d) 第 34D(1) 條所指的業主委員會;
 - (e) 租客代表,
 的權力及職責的法律問題有關的法律程序,並包括與財務、金錢或受信性質的權力及職責(如有的話)的法律問題有關的法律程序。
6. 與涉及建築物的全部或建築物的任何部分的擁有、佔用或管有權(包括建築物的或上有建築物土地的一份不可分割份數的擁有權)的法律問題有關的法律程序。
7. 在不損害第 6 段及在第 45(3) 條的規限下,與涉及業主或佔用人所享有的任何合約上的權利或所有權權利,或另於土地註冊處註冊的文書包括公契(如有的話)的條款及條文所提述的任何合約上的權利或所有權權利的範圍及適用性或其他方面的法律問題有關的法律程序。
8. 與涉及違反或指稱違反於土地註冊處註冊的文書包括公契(如有的話)的任何契諾、條款或條件的法律問題有關的法律程序。
9. 與第 7 段所提述的任何合約上的權利或所有權權利或第 8 段所提述的任何契諾、條款或條件(視屬何情況而定)的執行(不論以強制履行令、強制令、聲明、損害賠償或其他方式執行)有關的法律程序。

(由 1993 年第 27 號第 41 條增補)

TENTH SCHEDULE

[ss. 42 & 45]

HEARING AND DETERMINATION OF SPECIFIED PROCEEDINGS BY TRIBUNAL

1. Proceedings relating to the interpretation and enforcement of the provisions of this Ordinance.
2. Proceedings relating to the interpretation and enforcement of the terms and provisions of a deed of mutual covenant, including such terms or provisions impliedly incorporated into a deed of mutual covenant under Part VIA.
3. Proceedings relating to the use, occupation, enjoyment, possession or ownership of the common parts or any other part of a building in which the owners have a common interest.
4. Proceedings relating to the calculation or apportionment of—
 - (a) any sums payable or purported to be payable under a deed of mutual covenant (if any);
 - (b) the funds and contributions referred to in sections 20 and 21;
 - (c) any management expenses or charges (howsoever named);
 - (d) any other outgoings, payments, debts or liabilities due or liable under this Ordinance or in accordance with the terms and provisions of an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
5. Proceedings relating to any question of law concerning the powers and duties of—
 - (a) a corporation;
 - (b) a management committee, and of the chairman, secretary and treasurer thereof;
 - (c) a manager within the meaning of section 34D(1);
 - (d) an owners' committee within the meaning of that section;
 - (e) the tenants' representative,
 including such powers and duties (if any) of a financial, pecuniary or fiduciary nature.
6. Proceedings relating to any question of law concerning ownership, occupation or possession of the whole or any part of the building, including ownership of an undivided share in a building or in land on which there is a building.
7. Without prejudice to paragraph 6 and subject to section 45(3), proceedings relating to any question of law concerning the extent and applicability or otherwise of any contractual or proprietary right enjoyed by owners and occupiers or otherwise referred to in the terms and provisions of an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
8. Proceedings relating to any question of law concerning any breach or alleged breach of any covenant, term or condition specified in an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
9. Proceedings relating to the enforcement of any contractual or proprietary right referred to in paragraph 7 or any covenant, term or condition referred to in paragraph 8, as the case may be, whether by way of specific performance, injunction, declaration, damages or otherwise.

(Added 27 of 1993 s. 41)